



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

BRIAN FRANCOLLA  
*Senior Corporation Counsel*  
Tel.: (212) 356-3527  
Fax: (212) 356-3509  
bfrancol@law.nyc.gov

October 11, 2023

**BY ECF**

Honorable James R. Cho  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Samuel Karnes, et al. v. City of New York, et al.,  
21-CV-4903 (WFK) (JRC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matter on behalf of defendants. In that capacity, I write jointly with plaintiffs' counsel to respectfully request that the settlement conference currently scheduled for October 18, 2023, at 11:00 a.m., be converted into a status conference. The reason for this request is that the parties are not yet ready to participate in a settlement conference as set forth in more detail below. Should the Court grant this request, the parties hope to use the October 18, 2023 status conference as an opportunity to reschedule the settlement conference for a date and time convenient to the Court consistent with the schedules of the parties and all counsel. In that regard, the parties suggest this approach, rather than simply trying to propose potential dates herein, in order to make sure that a date and time that works for Your Honor also works for the numerous amount of likely participants in the settlement conference. Should Your Honor prefer that the parties propose dates by letter in lieu of a status conference, we can of course supplement this application with same.

By letter dated September 5, 2023, defendants sought, with consent from plaintiffs, an adjournment of the previously scheduled settlement conference in order for the undersigned to review recently obtained medical records for purposes of evaluating plaintiffs' claims. I have since done that, however, upon review, it became clear that in order to fully evaluate plaintiffs' claims and meaningfully discuss settlement, my office would need to first consult with a qualified medical expert. We have already retained such a consultant and are in

the process of providing him with the underlying materials needed for him to provide a consulting opinion. Once that process is complete, the undersigned expects that defendants will be in a position to firmly evaluate plaintiffs' claims so that the parties can proceed in good faith with the settlement conference.

Should the Court grant this request, the parties respectfully request an extension of discovery until sometime after the settlement conference. This is the seventh request for an extension of discovery with all prior requests having been granted in full or in part.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla  
Senior Counsel  
Special Federal Litigation Division

cc: All Counsel (By ECF)